

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Joyce H. Wright,)	Civil Action No.: 9:12-3243-SB-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
)	
Douglas A. Barry, Dick Farmer, and Boys and Girls Clubs of the Lowcountry,)	
)	
)	
Defendants.)	

On November 12, 2012, Plaintiff brought the instant employment discrimination action against Defendants Douglas A. Barry, Dick Farmer, and Boys and Girls Clubs of the Lowcountry. (See Dkt. No. 1.) Although Plaintiff was originally represented by counsel, on June 13, 2013, the undersigned granted counsel's Motion to Withdraw as Attorney. (Dkt. No. 19; see also Dkt. No. 18.)

On August 23, 2013, Defendants filed a Motion to Dismiss for Lack of Prosecution or Failure to Comply with Order of the Court. (Dkt. No. 33.) In that motion, Defendants assert that Plaintiff failed to comply with two orders of the Court. (See Dkt. No. 33.) As noted above, the undersigned granted counsel's Motion to Withdraw on June 13, 2013. (Dkt. No. 19.) In that same order, Plaintiff was given thirty days to retain new counsel or indicate her intention to proceed *pro se*. (Dkt. No. 19.) That time was later extended to August 16, 2013. (Dkt. No. 31.) Plaintiff failed to obtain new counsel or notify the Court that she intended to proceed *pro se*.

In addition, on June 25, 2013, The Honorable Sol Blatt, Jr., denied Defendants' Motion to Dismiss the Plaintiff's defamation claim, but granted their Motion for a More Definite Statement. (Dkt. No. 23.) Plaintiff was given fifteen days to file her Amended Complaint. (Id.) Plaintiff failed to file an Amended Complaint.

As noted above, Defendants filed a Motion to Dismiss for Lack of Prosecution or

Failure to Comply with Order of the Court. (Dkt. No. 33.) By order of this court filed August 26, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Plaintiff was advised of the dismissal procedure and the possible consequences if she failed to respond adequately. Despite this explanation, the Plaintiff elected not to respond to the Motion to Dismiss.

As the Plaintiff is proceeding *pro se*, the court filed a second order on October 16, 2013, giving the Plaintiff through November 5, 2013, to file her response to the Motion to Dismiss. (Dkt. No. 36.) The Plaintiff was specifically advised that if she failed to respond, this action would be dismissed with prejudice for failure to prosecute. The Plaintiff did not respond.

Based on the foregoing, it appears the Plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce Howe Hendricks
United States Magistrate Judge

November 12, 2013
Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Robin L. Blume, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402**

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).